

REMARKS

Claims 1-44 are pending in this application, with claims 1, 5, 17, 29, 31, 36, and 44 being independent.

In the Office Action of December 2, 2004, the Examiner rejected claims 1-4, 7-13, 15, 16, 29, 30, 32-35, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft (U.S. Patent No. 5,702,418) in view of a reference to Fischell. On page 2 of the Office Action, the Examiner refers to Fischell's U.S. Patent No. 5,735,859. From the text of the rejection, Applicant understands the Examiner to have meant to refer to Fischell's U.S. Patent No. 5,743,874 listed on the "Notice of References Cited" attached to the Office Action. Applicant requests clarification if this understanding is incorrect.

The Examiner also rejected claims 5, 6, and 17-28 under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft as modified by Fischell and further in view of Lenker (U.S. Patent No. 5,749,921), and rejected claims 31 and 36-43 under 35 U.S.C. § 103(a) as being unpatentable over St. Germain (U.S. Patent No. 5,534,007) in view of Fischell and Lenker.

Independent Claims 1, 5, 17, 29, and 44

Each of independent claims 1, 5, 17, 29, and 44 recites, among other things, a catheter having a first marker band at a position corresponding to a distalmost leading end of a self-expanding stent, a second marker band proximate a position corresponding to a trailing end of the self-expanding stent, and a third marker band between the first and second marker bands.

In the Office Action, the Examiner rejected these claims as unpatentable over Ravenscroft in view of Fischell (and further in view of Lenker as to independent claims 5 and 17). Though the rejection asserts that Ravenscroft teaches at least three markers

37, the Examiner recognizes that Ravenscroft "fails to disclose that the first marker is located at the distalmost leading end of the self-expanding stent." (Office Action at page 3.) The rejection, however, asserts that Fischell teaches a catheter that includes a marker 80 or 180 at a position corresponding to a distalmost leading end of a stent, and that this serves a rapid exchange device to reduce the exchange of parts to deploy the stent. The rejection then alleges that it would have been obvious to modify the Ravenscroft device "by including a marker band on the distal most leading end of the stent as taught by Fischell to create a delivery device [] that reduces the procedures required to deploy the stent." (Office Action at page 3.)

The asserted motivation and rationale for combining these references is improper. Nothing suggests that the procedures for deploying the stent by the Ravenscroft device will be reduced by including a marker band at a distalmost end of the stent.

Fischell teaches an integrated catheter that may be used for both angioplasty and stent deployment. The catheter may be used to initially dilate a vessel with a balloon, deploy a stent, and then further imbed the stent into the vessel wall with the balloon, all without having to exchange separate catheters during the procedure. Markers 80, 180 are included in the Fischell catheter, yet Fischell does not describe the function of the markers 80, 180.

Ravenscroft teaches a system used simply for deploying a stent. Ravenscroft teaches that a balloon may underlie the stent to aid in stent expansion. (See column 7, lines 10-18 of Ravenscroft.) Indicia rings 37 underlying the stent are used to ascertain the extent of stent deployment. (See column 6, line 55-59 and column 7, lines 46-59 of Ravenscroft.)

Nothing in Ravenscroft or Fischell suggests that adding a marker band at a position corresponding to a distalmost end of the stent of the Ravenscroft device will reduce the procedures required to deploy the stent. Indeed, in at least some instances, an additional procedure may be used during stent deployment, i.e. visualizing a position corresponding to a distalmost end of the stent prior to deploying the stent. The proposed modification also will not result in the use of less devices, or any less device exchange, to deploy the stent with the Ravenscroft device. The mere assertion that Ravenscroft may be modified by Fischell does not render the combination obvious unless these references suggest the desirability of the combination. The references do not, and the rejection does not provide proper reasons or motivation for the combination. For these reasons, the rejection does not establish a *prima facie* case of obviousness, and independent claims 1, 5, 17, 29, and 44, and their dependent claims, are allowable over the applied references.

Independent Claims 31 and 36

The Examiner rejected independent claims 31 and 36 as being unpatentable over St. Germain in view of Fischell and Lenker. Claims 31 and 36 each recites, among other things, a catheter including a first marker band at a position corresponding to a distalmost leading end of a self-expanding stent, a second marker band proximate a position corresponding to a trailing end of the self-expanding stent, and a third marker band between the first and second marker bands. St. Germain, the primary reference, does not disclose marker bands, and the Office Action does not assert otherwise. In its embodiments, the Fischell reference discloses two markers (for example, see 80 and 82 in Fig. 1, and 180 and 182 in Fig. 4). Fischell, however, does not disclose a third

marker. The Lenker reference does not cure the deficiencies of either St. Germain or Fischell. Independent claims 31 and 36, and dependent claims 37-43, are therefore allowable over the applied references.

In view of these remarks, this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of pending claims 1-44.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and/or drawings in this Reply, Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

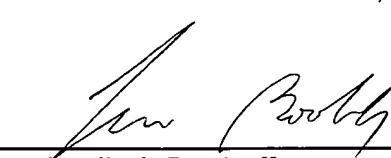
Please grant any extensions of time required to enter this Reply and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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